

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION

IN RE:

CASE NO. 21-11305-jps

Jose Y. Sancho

CHAPTER 13

Debtor.

JUDGE JESSICA E. PRICE-SMITH

**OBJECTION OF NATIONSTAR
MORTGAGE LLC D/B/A MR.
COOPER, TO CONFIRMATION OF
DEBTORS' CHAPTER 13 PLAN (DOC.
NO. 7)**

Now comes Secured Creditor, U.S. Bank National Association, not in its individual capacity but solely as Trustee for the CIM TRUST 2018-NR1 Mortgage –Backed Notes, Series 2018-NR1 through its servicing agent Nationstar Mortgage LLC d/b/a Mr. Cooper, and hereby objects to Confirmation of Debtor's Chapter 13 Plan filed on April 15, 2021 at docket number 6 for the reasons set forth in the Memorandum below.

Respectfully submitted,

/S/ Seth Greenhill
Seth Greenhill, Esq.
Ohio Bar # 99380
PADGETT LAW GROUP
6267 Old Water Oak Road, Suite 203
Tallahassee, FL 32312
(850) 422-2520 (telephone)
(850) 422-2567 (facsimile)
Seth.Greenhill@padgettlawgroup.com
Attorney for Creditor

M E M O R A N D U M

U.S. Bank National Association, not in its individual capacity but solely as Trustee for the CIM TRUST 2018-NR1 Mortgage –Backed Notes, Series 2018-NR1 through its servicing agent Nationstar Mortgage LLC d/b/a Mr. Cooper (“Secured Creditor”) hereby objects to Debtor’s Chapter 13 Plan and states as follows:

1. Secured Creditor is the holder of a Note secured by an Open-End Mortgage on a real property located at 1851 Cumberland Rd., Cleveland Heights, OH 44118.
2. Funds were advanced in connection with the aforementioned agreement as purchase money for the following property:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Original Euclid Township Lot No.48 and bounded and described as follows: Beginning on the Westerly line of Lee Road (80 feet wide) at its point of intersection with the Southerly line of Euclid Heights Boulevard, (80 feet wide); Thence South 20 degrees, 18' 30" East along said Westerly line of Lee Road, 8-50/100 feet to an angle; Thence South 19 degrees, 03' 30" East continuing along said Westerly line of Lee Road, 430-50/100 feet; Thence South 70 degrees, 56', 30" West 100 feet; Thence North 18 degrees, 03', 30" West 37-50/100 feet to the principal place of beginning of the premises herein described; Thence South 58 degrees, 17', West 20 feet; Thence South 51 degrees, 31', 00" West 63-10/100 feet to the Easterly line of proposed Cumberland Road (40 feet wide); Thence Northwesterly along said Easterly line of proposed Cumberland Road, on a curved line deflecting to the right having a radius of 134-1/100 feet on an arc of 51 29 feet and a chord which bears North 34 degrees, 2', 00" West 51-00/100 feet; Thence North 66 degrees, 51', 10" East 92-7/100 feet; Thence South 19 degrees, 03', 30" East, 30-40/100 feet to the principal place of beginning, and being further known as part of Sublot No. 1 in the Superior-Lee Road Land Company's proposed subdivision of part of Original Euclid Township Lots Nos. 48 and 49, of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

3. The amount Secured Creditor’s claim as of the date of filing will be set forth in the Secured Creditor’s Proof of Claim to be filed on or before the Claims Bar June 24, 2021.
4. The Plan includes an incorrect claim. It is anticipated that the correct amount of Nationstar Mortgage LLC d/b/a Mr. Cooper’s secured claim will reflect \$56,799.01 in arrears and the Plan must be amended accordingly.

WHEREFORE, Secured Creditor, U.S. Bank National Association, not in its individual capacity but solely as Trustee for the CIM TRUST 2018-NR1 Mortgage –Backed Notes, Series 2018-NR1 through its servicing agent Nationstar Mortgage LLC d/b/a Mr. Cooper, prays that this objection to Confirmation of the Chapter 13 Plan be sustained; that Debtor's Plan not be confirmed; that Debtor be required to amend the Plan to provide for the full amount of Secured Creditor's prepetition arrearage and on-going mortgage payments.

Respectfully submitted,

/S/ Seth Greenhill
Seth Greenhill, Esq.
Ohio Bar # 99380
PADGETT LAW GROUP
6267 Old Water Oak Road, Suite 203
Tallahassee, FL 32312
(850) 422-2520 (telephone)
(850) 422-2567 (facsimile)
Seth.Greenhill@padgettlawgroup.com
Attorney for Creditor

CERTIFICATE OF SERVICE

I certify that on May 4, 2021 a true and correct copy of the Objection to Confirmation of Plan was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

Renee Heller
electronic notification

And by regular U.S. mail, postage prepaid, on:

Debtor
Joan Y. Sancho
1851 Cumberland Road
Cleveland, OH 44118

Trustee
Lauren A. Helbling
200 Public Square Suite 3860
Cleveland, OH 44114-2321

PADGETT LAW GROUP

/S/ Seth Greenhill
Seth Greenhill, Esq. (#99380)